IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

OP.No. 6101 of 2003(B)

PETITIONER:

S. THANKAMANY AMMA, PRINCIPAL,
G.H.S.S. PUTHOOR, KOTTARAKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. **PRINCIPAL SECRETARY, FINANCE DEPARTMENT,**
   SECRETARIAT, TRIVANDRUM.

2. **THE ACCOUNTANT GENERAL (AUDIT)**
   KERALA, TRIVANDRUM.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   THEVALLY, KOLLAM.

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.6101/2003

ORDER ON I.A. NO. 10056/2003 IN OP. NO.6101/2003

DISMISSED

27.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GO(P) 855/95/60/FIN. DT. 21.11.1995.

EXT.P2:- COPY OF THE GO(P) 352/96 (86) FIN. DT. 11.4.96.

EXT.P3:- COPY OF THE GO(P) 615/97/(138)/FIN DT. 28.6.97.

EXT.P4:- COPY OF THE GO(P) 38/98/(152)/FIN DT. 5.1.98.

EXT.P5:- COPY OF THE GO(P) 399/99/(178)/FIN DT. 5.2.1999.

EXT.P6:- COPY OF THE AUDIT OBJECTION ISSUED BY THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE OBJECTION FILED BY THE PETITIONER.

EXT.P8:- COPY OF THE LETTER N O.GE 29/B/THE-114/75 DT. 19.4.02 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.6101 OF 2003

Dated this the 27th day of July, 2007

JUDGMENT

The issue raised in this writ petition is, as of now, governed by the judgment of this Court in W.P(C).Nos186 and 208 of 2004 and connected cases. Hence, this writ petition is disposed of directing that the parties will be governed by the said decision and option exercised by the petitioner will be treated accordingly, however, with liberty to the Government to redo the exercise if the matter pending before the Apex Court against the aforesaid judgment is ultimately decided in favour of the State. The benefits flowing out of this judgment shall be made available to the petitioner within an outer limit of three months from the date of receipt of a copy of this judgment on condition that the petitioner furnishes such undertaking as may be required to provide an indemnity in favour of the State.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.6101 OF 2003

JUDGMENT

27TH JULY, 2007.

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